



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Steve Tate, Mayor	Steve Tate, Chair
Marilyn Librers, Mayor Pro Tempore	Marilyn Librers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

**WEDNESDAY, APRIL 28, 2010**

**AGENDA**

**SPECIAL CITY COUNCIL MEETING**

**6:00 P.M.**

*A Special Meeting of the City Council is Called at 6:00 P.M. for the Purpose of Conducting Library, Culture & Arts and Parks & Recreation Commission Interviews.*

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**Steve Tate, Mayor**

**CALL TO ORDER**

(Mayor Tate)

**ROLL CALL ATTENDANCE**

(Deputy City Clerk McVay)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Deputy City Clerk McVay)

## ***City Council Action***

### **INTERVIEWS:**

#### **ITEMS 1-2**

	<b>Time Estimate</b>		<b>Page</b>
1.	30 Minutes	<b><u>Interview Candidates to Fill Vacancies on the Library, Culture &amp; Arts Commission</u></b> .....	1-36
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Discuss</u></b> characteristics/traits of candidates seeking to serve on the Library, Culture & Arts Commission; and	
		2. <b><u>Conduct</u></b> candidate interviews; and	
		3. <b><u>Discuss</u></b> candidate qualifications and <b><u>Appoint</u></b> candidates to fill the vacancies; and	
		4. <b><u>Return</u></b> with recommendations at a future meeting.	
2.	30 Minutes	<b><u>Interview Candidates to Fill Vacancies on the Parks &amp; Recreation Commission</u></b> .....	37-76
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Discuss</u></b> characteristics/traits of candidates seeking to serve on the Parks & Recreation Commission; and	
		2. <b><u>Conduct</u></b> candidate interviews; and	
		3. <b><u>Discuss</u></b> candidate qualifications and <b><u>Appoint</u></b> candidates to fill the vacancies; and	
		4. <b><u>Return</u></b> with recommendations at a future meeting.	

### **JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING**

**7:00 P.M.**

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

**CALL TO ORDER**  
(Mayor/Chair Tate)

**ROLL CALL ATTENDANCE**  
(Deputy City Clerk McVay)

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
(Deputy City Clerk McVay)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS**

**CITY COUNCIL REPORTS**

Council Member Librers

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

***City Council and Redevelopment Agency Action***

**ADOPTION OF AGENDA**

***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 3-6**

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

3. **Adopt Ordinance No. 1974, New Series an Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to the Precise Development Plan for the 9.97 Acre Site Located on the South Side of E. Main Ave. Approximately 400 Feet East of the Calle Mazatan/E. Main Intersection** .....77-80  
**Recommended Action(s): Waive** the reading, and **Adopt** Ordinance No. 1974, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

4. **Adopt Ordinance No. 1975, New Series an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement DAA 05-04E: Main-Marrad (Dividend) Approving a 12, 14, 18 & 25 Month Extension of the Allocations Granted for FY 2006-07, 2007-08, 2008-09 and 2009-10 Respectively, and Approving the Incorporation of 4 FY 2010-11 Allocations and Re-Incorporating the Development Schedule and Other Modifications to the Development Agreement (APN 726-61-028)**.....81-112  
**Recommended Action(s):** **Waive** the reading, and **Adopt** Ordinance No. 1975, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
  
5. **Approve Professional Services Contract for the 2010 City Wide Engineering and Traffic Survey** ..... 113-122  
**Recommended Action(s):**
  1. **Appropriate** \$17,753 from the current year unappropriated Pedestrian Safety Fund (355).
  2. **Authorize** the City Manager to execute a consultant agreement with Hatch Mott MacDonald in the amount of \$35,505 for the data collection, data analysis and preparation of the 2010 City Wide Engineering and Traffic Survey.
  
6. **Approval for the Horizons Parcel Map, Improvement Plans and Subdivision Improvement Agreement**..... 123-140  
**Recommended Action(s):**
  1. **Approve** the Parcel Map, Improvement Plans, and Subdivision Improvement Agreement.
  2. **Authorize** the City Manager to execute the Subdivision Improvement Agreement on behalf of the City.
  3. **Authorize** City Clerk to sign the Parcel Map authorizing abandonment of an unused portion of a public street.
  4. **Authorize** the recordation of the Parcel Map and the Subdivision Improvement Agreement.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 7-8**

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

7. **Approving the Joint Regular City Council and Redevelopment Agency Meeting Minutes for April 7, 2010** .....141-152
  
8. **Consolidation of City Employee and Police Officer Down Payment Assistance Programs**...153-160  
**Recommended Action(s):** **Adopt** City and Redevelopment Agency Resolutions authorizing the Executive Director/City Manager to do everything necessary to consolidate the Police Officer and Employee Down Payment Assistance Programs and eliminate the loan acceleration clause for Police Officer employment termination.

## ***Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

#### **ITEMS 9-10**

	<b>Time Estimate</b>		<b>Page</b>
<b>9.</b>	<b>5 Minutes</b>	<b><u>Berriez Face &amp; Body Parlor – Compromise, Settlement &amp; Lease Agreement</u></b> <b><u>Recommended Action(s)</u></b> 1) <b><u>Open</u></b> /close public hearing; 2) <b><u>Authorize</u></b> Executive Director to execute Compromise, Settlement and Lease Agreement between the Morgan Hill Redevelopment Agency and Melanie Mendes and Susanne Arata d/b/a Berriez Face & Body Parlor for 20 East First Street, Unit 10; and 3) <b><u>Do</u></b> everything necessary and appropriate to execute and implement provisions of the agreement.	161-186
<b>10.</b>	<b>5 Minutes</b>	<b><u>The Music Tree/Treehouse – Second Amendment Settlement Agreement</u></b> <b><u>Recommended Action(s)</u></b> 1) <b><u>Open</u></b> /close public hearing; 2) <b><u>Authorize</u></b> Executive Director to execute Second Amendment to Compromise, Settlement and Lease Agreement between the Morgan Hill Redevelopment Agency and Darin Dixon d/b/a the Music Tree and Treehouse for 17470 Monterey Road and 17490 Monterey Road, Unit 1 and 17490 Monterey Road Unit 5; and 3) <b><u>Do</u></b> everything necessary and appropriate to execute and implement provisions of the agreement.	187-260

## ***City Council Action***

### **OTHER BUSINESS:**

#### **ITEMS 11**

	<b>Time Estimate</b>		<b>Page</b>
<b>11.</b>	<b>45 Minutes</b>	<b><u>Outdoor Sports Center Operator Selection</u></b> <b><u>Recommended Action(s):</u></b> 1. <b><u>Select</u></b> the Morgan Hill Youth Sports Alliance as the Outdoor Sports Center operator. 2. <b><u>Direct</u></b> staff to negotiate a mutually beneficial operating agreement.	261-370

## ***City Council Action***

### **PUBLIC HEARINGS:**

#### **ITEMS 12**

	<b>Time Estimate</b>		<b>Page</b>
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12. 30 Minutes [Resolution to Amend Resolution 5592 \(August 21, 2002\) by Adjusting Selected Development Impact Fees](#) .....371-444  
**Recommended Action(s)**  
1. **Open** and close public hearing  
2. **Adopt** Resolution adjusting selected development impact fees  
3. **Direct** staff to return to City Council within one year concerning the Wastewater Treatment (Sewer), Water and Traffic Impact Fees

[12 Supplemental 01](#)  
[12 Supplemental 02](#)

### ***City Council Action***

#### **OTHER BUSINESS:**

#### **ITEMS 13-14**

- |     | Time Estimate |  | Page |
|-----|---------------|--|------|
| 13. | 15 Minutes    | <u><a href="#">Skateboard /BMX Park Operations</a></u> .....445-450<br><u><b>Recommended Action(s): Accept</b></u> the Skatepark/BMX Park operations update.   |      |
| 14. | 15 Minutes    | <u><a href="#">Sustainable Budget Strategy; Reducing Future Labor Costs &amp; Alternative Service Delivery Models</a></u> .....451-458<br><u><b>Recommended Action(s):</b></u><br>1. <u><b>Discuss</b></u> and <u><b>Provide</b></u> direction to staff. |      |

### ***Redevelopment Agency Action***

#### **OTHER BUSINESS**

#### **ITEMS 15-16**

- |                                  | Time Estimate |   | Page |
|----------------------------------|---------------|---|------|
| Consent Calendar: 1 - 10 Minutes |               |   |      |
| 15.                              | 5 Minutes     | <u><a href="#">Contract Amendment with Strombotne Law Firm for Outside Legal Counsel</a></u> .....459-474<br><u><b>Recommended Action(s): Authorize</b></u> the Executive Director to amend the existing contract with Strombotne Law Firm to an amount not to exceed \$50,000.   |      |
| 16.                              | 5 Minutes     | <u><a href="#">Contract Amendment with Nossaman, Guthner, Knox &amp; Elliot, LLP for Outside Legal Counsel</a></u> .....475-488<br><u><b>Recommended Action(s): Authorize</b></u> the Executive Director to amend the existing contract with Nossaman, Guthner, Knox & Elliot, LLP to an amount not to exceed \$54,500. |      |

### ***City Council Action***

#### **OTHER BUSINESS:**

#### **ITEMS 17**

	<b>Time Estimate</b>		<b>Page</b>
17.	10 Minutes	<b><u>Appointments to Fill Vacancies on the Library, Culture &amp; Arts and Parks &amp; Recreation Commissions</u></b> .....	489-490
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Appoint</u></b> four candidates to the Library, Culture & Arts Commission for 2-year terms; and	
		2. <b><u>Appoint</u></b> three candidates to the Parks & Recreation Commission for 4-year terms and appoint 1 candidate to fill a vacancy to fill the remainder of a term that expires on April 1, 2012; OR	
		3. <b><u>Return</u></b> with appointment recommendations at a future meeting.	

**FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

***City Council***

**CLOSED SESSION:**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**1. CONFERENCE WITH LABOR NEGOTIATOR:**

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

***Redevelopment Agency***

**CLOSED SESSION:**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

a.	Authority	Pursuant to: Government Code Section 54956.8
	Property:	APN 726-13-008; 85 East Fifth Street, Morgan Hill, CA
	Negotiating Parties:	Executive Director, Director of BAHS, Agency General Counsel, Ronald Stiltz
	Under Negotiation:	Price and Terms of Payment
b.	Authority:	Pursuant to: Government Code Section 54956.8
	Property:	APN 726-14-001; 95 East Third Street, Morgan Hill, CA
	Negotiating Parties:	Executive Director, Assistant to City Manager, Agency General Counsel, Llagas Valley Investments
	Under Negotiation:	Price and Terms of Payment

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**



### **NOTICE**

*Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)*

### **PUBLIC COMMENT**

*Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.*

*Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.*

*Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950*

*City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.*

*The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*

*For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email [tina.mcvay@morganhill.ca.gov](mailto:tina.mcvay@morganhill.ca.gov).*

### **AMERICANS WITH DISABILITIES ACT (ADA)**

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email [tina.mcvay@morganhill.ca.gov](mailto:tina.mcvay@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting.*